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REMARKS

This paper accompanies the pending request for continued examination. A one (1) month extension of time has been filed to extend the deadline for response through September 30, 2005.

5   The claim objections in paragraph 4 of the office action have been addressed. The Examiner is thanked for his helpful suggestions.

The §101 rejection (paragraph 5) has been addressed by amending independent claim 15 to describe that the apparatus includes a program code module comprising code executable by the processor to carry out the recited method steps. This amendment is believed to address the

10   Examiner's concerns, namely, that the "executable code [was] not embodied on a computer readable medium."

The §112 rejection (paragraph 6) has been addressed by amending claim 22 to depend from claim 21. The undersigned apologies for the original error in claim numbering.

Claims 15-25 were rejected under 35 U.S.C. §102(e) as being anticipated by Goldszmidt

15   et al., U.S. Patent No. 6,195,680. As to independent claim 15 and dependent claim 20, this rejection was well-taken. To address it, independent claim 15 has been amended to describe a specific "switching" embodiment that is described in the paragraph of the written description that begins on page 13, line 29 and continues through page 14, line 20. In this embodiment, "once the stream switch process 310 decides to make a switch, it creates an internal buffer and causes

20   that buffer to be filled with advance portions of the stream (e.g., by instructing the first server to deliver packets faster than those packets can be rendered or by instructing the player to slow down the rendering process). The switch process 310 then causes the first server to cease transmission and request that the new server begin the stream at a given offset. At this point, the pre-cached data in the buffer is rendered until the given offset is reached and the new data is

25   received."

While Goldszmidt et al. do describe a goal of "automatically and gracefully switching" a client from one (failing) streaming server to another streaming server (Column 9, line 67+), they do not disclose or suggest the following steps that are now positively recited in independent claim 15:

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"(a) creating a buffer; (b) receiving and caching in the buffer advanced portions of the
media stream; (c) issuing a request to the [new] server to initiate delivery of the media stream at
a given offset; and (d) rendering the advanced portions of the media stream; [and]

when the given offset is reached, rendering ... the media stream received from the [new]

5   server."

Given the amendments to claim 15, dependent claims 17 and 19 have been canceled. A
conforming change has been made to claim 16 to describe a further aspect of the claimed
embodiment.

A Notice of Allowance for claims 15-16, 18 and 20-25 is respectfully requested.

10   Respectfully submitted,

By: _____

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ATTORNEYS FOR APPLICANT